

DAVID L. SKELTON, TRUSTEE #96250  
REBECCA E. PENNINGTON #174488  
RICHARD L. STEVENSON #239705  
OFFICE OF THE CHAPTER 13 TRUSTEE  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
325 WEST F STREET, SAN DIEGO CA 92101-6991

In Re  DOUGLAS RANDOLPH TUCKER HOLLY ANN HOLMES 402 W. SAN MARCOS BLVD., #104 SAN MARCOS, CA 92069	Bankruptcy No. 10-21950-MM13  Date: June 1, 2011 Time: 10:00 AM Dept: 3
Debtors.	

TRUSTEE OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND  
MOTION TO DISMISS PURSUANT TO 11 U.S.C. SECTION 1307 (C)(5)

DAVID L. SKELTON, the standing Chapter 13 Trustee (the “Trustee”), hereby objects to confirmation and moves this Court for an Order of Dismissal and Denial of Confirmation. The bases for the Trustee’s objection(s) are:

**1-1.** The Plan provides for payments over a period exceeding five years (or exceeding 3 years without cause). [1322(a)] **ESTIMATED AT 86 MONTHS.**

**2-3.** The debtors have failed to apply all projected disposable income to the Plan for a period of not less than three years. [1325(b)(1)(B)] **2007 TOYOTA NOT EXCLUDED, BUT \$343 MONTHLY PAYMENT IN BUDGET.**

**3-8.** The debtors have no ability to make the payments proposed by the Plan. [1325(a)(6)] The debtors have no regular income. [109(e)] **NO ESTIMATED TAXES IN BUDGET.**

**4-9.** The Plan is incomprehensible or internally inconsistent and the Trustee cannot administer it in its current format. **NEED LIENSTRIP ORDER; HEARING 5-17-11 @ 10AM DEPT 2**

WHEREFORE, the Trustee respectfully requests that confirmation of Debtors' plan be denied and the case dismissed.

Date: January 24, 2011

/s/ Richard L. Stevenson

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Attorney for David L. Skelton Trustee